



10 OCT 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Richard A. Arrett  
Vidas, Arrett & Steinkraus  
6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185

In re Application of	:	
ECKERMANN, et al.	:	DECISION ON PETITIONS
U.S. Application No.: 09/403,131	:	
PCT No.: PCT/EP98/02097	:	UNDER 37 CFR 1.182
Int. Filing Date: 09 April 1998	:	
Priority Date: 16 April 1997	:	AND 37 CFR 1.137(b)
Attorney's Docket No.: H01.2-8601	:	
For: A METHOD OF PACKING CONTAINERS	:	
IN TRANSPORT BOXES	:	

This decision is in response to applicant's "Petition to Revive Unintentionally Abandoned Patent Application Pursuant to 37 CFR § 1.137(b)" and "Petition Under 37 CFR § 1.182 to Accept Supplemental Declaration" filed 19 March 2002 in the United States Patent and Trademark Office (USPTO). The petition fees of \$1280.00 and \$130.00 respectively have been provided.

### **BACKGROUND**

On 12 July 2000, applicant was mailed a decision advising applicant of the need to file a petition under 37 CFR 1.182 as a result of discrepancies between inventor's names as they appeared in the published international application and their listing in the filed declaration. Applicant was afforded two months and advised that this period for reply was extendable pursuant to 37 CFR 1.136(a).

On 02 July 2002, applicant was mailed a "Notification of Abandonment" for failure to timely reply to the decision mailed 12 July 2000.

On 19 March 2002, applicant filed the present petitions.

### **DISCUSSION**

#### **I. Petition Under 37 CFR 1.182**

Accompanying the present and enclosed declaration applicant has included signed statements from inventors Lambert BRINKS and Bernard SKOLIK that the discrepancies detailed in the decision mailed 12 July 2000 were the results of inadvertent errors and made without any deceptive intent. Applicant has thus provided sufficient explanation and thus applicant's petition

under 37 CFR 1.182 can be granted at this time.

## **II. Petition Under 37 CFR 1.137(b)**

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to item (1), the required reply is a grantable petition under 37 CFR 1.182 and compliant oath or declaration of the inventors. As detailed above, applicant has provided a proper reply. It is noted with applicant's current explanations, the declaration filed 15 February 2000 is compliant. As noted above, the present application became abandoned for failure to timely respond to the decision mailed 12 July 2000.

As to item (2), applicant has provided a check for \$1280.00 covering payment of the petition fee.

With regard to item (3), applicant's statement that, "the entire delay in filing the required reply to the Decision of July 12, 2000 from the due date of the reply until the filing of this Petition was unintentional" satisfies item (3).

As to item (4), applicant is advised that while applicant has filed a terminal disclaimer no terminal disclaimer is required for the purposes of the present petition as this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

## **CONCLUSION**

Applicant's "Petition Under 37 CFR § 1.182 to Accept Supplemental Declaration" is **GRANTED**.

Applicant's "Petition to Revive Unintentionally Abandoned Patent Application Pursuant to 37 CFR § 1.137(b)" is **GRANTED**.

This application will be given an international application filing date of 09 April 1998 and

Application No.: 09/403,131

3

a date of **15 February 2000** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).



Leonard Smith  
Legal Examiner  
PCT Legal Office



Derek A. Putonen  
Petitions Attorney  
PCT Legal Office  
Tel: (703) 305-0130  
Fax: (703) 308-6459